

REMARKS

The Official Action mailed March 18, 2008, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Filed concurrently herewith is a *Request for Continued Examination*. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on March 15, 2004; February 9, 2005; August 30, 2005; and February 22, 2006.

Claims 1-20 are pending in the present application, of which claims 1, 4, 8, 11, 14 and 18 are independent. Claims 1, 4, 8, 11, 14 and 18 have been amended to better recite the features of the present invention. The Applicant notes with appreciation the indication of the allowability of dependent claims 7, 10, 17 and 20 (Box 7, Office Action Summary; pages 11-12, Paper No. 20080228). For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 3 of the Official Action rejects claims 1-22 under the doctrine of obviousness-type double patenting over claims 1-29 of U.S. Patent No. 6,707,484 to Kawasaki. The Applicant respectfully submits that the independent claims of the subject application are patentably distinct from the claims of the Kawasaki '484 patent.

As stated in MPEP § 804, under the heading "Obviousness-Type," in order to form an obviousness-type double patenting rejection, a claim in the present application must define an invention that is merely an obvious variation of an invention claimed in the prior art patent, and the claimed subject matter must not be patentably distinct from the subject matter claimed in a commonly owned patent. Also, the specification and drawings of the patent principally underlying the double patenting rejection are not considered prior art.

The Applicant respectfully traverses the obviousness-type double patenting rejection. Independent claims 1, 4, 8, 11, 14 and 18 of the present application recite "a speaker operationally connected to the micro processing unit." On the other hand, the claims of the Kawasaki '484 patent do not recite a speaker. Therefore, the Applicant respectfully submits that the claimed scope of the subject application and the claims of Kawasaki '484 are different each other.

It is respectfully submitted that the claims of the present application are not a timewise extension of the invention as claimed in the Kawasaki '484 patent. Reconsideration and withdrawal of the obviousness-type double patenting rejections are requested.

The Official Action rejects claims 1-3 and 11-13 as anticipated by U.S. Patent No. 5,657,246 to Hogan. The Applicant respectfully submits that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claims 1 and 11 have been amended to recite that a display unit, a speaker, and a microphone are included in a same housing. Independent claims 4, 8, 14 and 18 have been amended to recite that a display unit, a speaker, a camera and a microphone are included in a same housing. These features are supported in the present specification, for example, by Figure 3. The Applicant respectfully submits that Hogan does not teach the above-referenced features of the present invention, either explicitly or inherently.

Since Hogan does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly,

reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

Paragraph 7 of the Official Action rejects claims 4-6 and 14-16 as obvious based on the combination of Hogan and U.S. Patent No. 5,710,591 to Bruno. Paragraph 8 of the Official Action rejects claims 8, 9, 18 and 19 as obvious based on the combination of U.S. Patent No. 5,675,390 Schindler and Hogan. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.


As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Please incorporate the arguments above with respect to the deficiencies in Hogan. Bruno or Schindler does not cure the deficiencies in Hogan. The Official Action relies on Bruno to allegedly teach "that the camera is provided on the top of the display" (page 7, Paper No. 20080228), and on Schindler to allegedly teach a micro processing unit, a display unit, a speaker, a memory, a multiplexer, a microphone, an A/D

converter, a camera and a digital signal processor (page 9, Id.). However, Hogan and Bruno or Schindler, either alone or in combination, do not teach or suggest the following features or that Hogan should be modified to include any of the following features: that a display unit, a speaker and a microphone are included in a same housing; or that a display unit, a speaker, a camera and a microphone are included in a same housing. Since Hogan and Bruno or Schindler do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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